

The Research Review is a publication of the Research Division of the Tennessee House of Representatives

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House Committee Activity: February 18 - 20, 2003



Dr. Wendy Long, Assistant Commissioner, Department of Health, addressed the Health and Human Resources Committee this week on the department's bioterrorism preparedness planning and smallpox immunization efforts. Several committees heard presentations this week from department officials and other experts.

Agriculture

Denise Sims

Committee Hears A Report On Forest Management

Barry Graden, Forestry Development Manager for Bowater, Incorporated, spoke to the **House Agriculture Committee** on Tuesday on *Forestry Certification Compliance to the Sustainable Forestry Initiative* (SFI). In the summer of 2002, a KPMG audit team assessed Bowater's Southeastern Woodlands Operations against eleven SFI objectives. According to Graden, overall performance was strong, with a score of 91%. The non-conformances

that were identified were isolated and non-critical to the objectives.

Since 1994, the SFI has been a performance-based international forestry certification program - one of about twelve such programs in existence. The Initiative was developed by professional foresters, conservationists, scientists, landowners and other stakeholders.

Implementation of an SFI system assures the public that Bowater's Southeastern Operations are following set board standards in forest management. Bowater's Southeastern Woodlands Operations currently

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Agriculture, cont.

manage approximately 471,000 acres of fee and long-term lease land in Tennessee, Alabama, Georgia and North Carolina. Of those, most are in Tennessee (342,822 acres). Their operations cover both company land management as well as wood procurement. (**Note: Mr. Graden also addressed the Environment Committee. See the report below.)

Children & Family Affairs

Shannon Romain

It appears at this early stage that child support will continue to be the preeminent issue for members of the **Children and Family Affairs Committee**. Earlier this month, Rep. Katherine Bowers formally requested that the committee meet with representatives from the Department of Human Services and the legal community to discuss child support services.

On Tuesday, Mike Adams, Assistant Commissioner of Child Support Services, and Bill Russell, General Counsel to DHS, testified that the department did not fair well last year under federal compliance guidelines. They reported, however, that the Department continued to show significant improvement at the rates set out in the regulations. In addition, primarily for the benefit of the freshmen members, the department gave a brief overview of the agency's role in child support services. Knox County juvenile court referee Stan Briggs followed with testimony of the court's role and fielded questions from members on various topics.

Overall, members were concerned with DHS's performance and the complaints they continue to receive regarding collections, disbursements and enforcement. Several members noted the lack of uniform policies and procedures from county to county. The speakers unanimously confirmed that there was no uniform interpretation and practice of the child support guidelines across the state and that the lack of uniformity, coupled with under funding, was the source of many of the systemic problems.

Visitation was another concern. Last year Rep. Bowers and Rep. Bob Patton introduced bills requiring the courts to order joint visitation in the absence of evidence showing that such visitation was not in the best interest of the child. Opponents of the bill feared that increased visitation might result in reduced child support payments to custodial

parents. Neither bill passed, however, questions continue to arise about visitation and its correlation to child support.

The committee expects to continue to review child support services over the legislative session.

Commerce

Denise Sims

The **Commerce Committee** met Tuesday morning and heard Commissioner Paula Flowers of the Department of Commerce and Insurance. The full committee will not meet next week, nor will the **Small Business and Utilities and Banking Subcommittees**. However, **Industrial Impact** will meet on Tuesday with one bill on calendar.

The Commerce Committee for the 103rd General Assembly is chaired by Rep. Jere Hargrove. Rep. Charles Curtiss is Vice Chair and Rep. Dennis Ferguson is Secretary. Subcommittees are as follows:

Industrial Impact Subcommittee:

Rep. Bob McKee, Chair	
Rep. Curtiss	Rep. Harmon
Rep. J. DeBerry	Rep. Roach
Rep. Ferguson	Rep. Shepard
Rep. Hagood	Rep. Walker

Small Business Subcommittee:

Rep. Dennis Ferguson, Chair	
Rep. Hackworth	Rep. Odom
Rep. Harwell	Rep. Sargent
Rep. Hawk	Rep. Towns
Rep. Lynn	Rep. B. Turner

Utilities & Banking Subcommittee

Rep. Charles Curtiss, Chair	
Rep. Bowers	Rep. Matheny
Rep. Cobb	Rep. McCord
Rep. Coleman	Rep. Montgomery
Rep. Fitzhugh	Rep. Wood
Rep. Yokley	

Conservation & Environment

Greg E. Adkins

The **Full Environment Committee** met on Tuesday, February 18, 2003 and listened to two presentations. Brian Paddock with Save Our Cumberland Mountains (SOCM)

presented the committee with information regarding the rate of forest harvesting and long term sustainability of forests in Tennessee. Barry Graden from Bowater Corporation presented information regarding the pine beetle and Bowater's commitment to Southeastern Woodlands. Barry also discussed the Forest Certification Report, which is an independent audit of the company's sustainable forest management program.

The **Full Environment Committee** also met on February 11, 2003. At that meeting, the Committee met the new Tennessee Department of Environment and Conservation (TDEC) Commissioner Betsy Child. The Commissioner told the committee that her main goal was to be recognized as one of the best Environmental Departments in the country.

The **Subcommittees** did not meet but Chairman Garrett appointed the following Members:

Environment Subcommittee:

Rep. McDonald--Chair
Rep. Kernell
Rep. Briley
Rep. Hawk
Rep. Fraley
Rep. McCord
Rep. Johnson
**Rep. Garrett
**Rep. Tidwell

Parks & Tourism Subcommittee:

Rep. Tidwell--Chair
Rep. Baird
Rep. Fraley
Rep. Hawk
Rep. Johnson (Cheatham)
Rep. Kernell
Rep. Borchert
**Rep. Garrett
**Rep. McDonald

Wildlife Subcommittee:

Rep. Johnson (Loudon)--Chair
Rep. McCord--Vice Chair
Rep. Borchert
Rep. Baird
Rep. Johnson (Cheatham)
Rep. Briley
**Rep. Garrett
**Rep. McDonald
**Rep. Tidwell

****Officers of full committee are voting members of all subcommittees**

Consumer & Employee Affairs

Shannon Romain

The **Consumer and Employee Affairs Committee** convened Wednesday morning to meet with Commissioner Paula Flowers, the new Commissioner of the Department of Commerce and Insurance. The Commissioner introduced several members of her staff and set out her immediate agenda for the Division of Consumer Affairs.

According to Commissioner Flowers, two issues would receive her highest immediate priority. First, is the high number of complaints the Division received last year and second, is the identification of new resources through strategic community partnerships.

In its 2002 Report to the General Assembly, the Division reported over 4500 complaints last year. The following counties had the greatest number of complaints:

Davidson	536
Shelby	420
Knox	252
Rutherford	139
Hamilton	117

According to the Commissioner, the larger counties always receive a significantly higher number of complaints than the smaller counties. She indicated, however, that she was unsure if the correlation between the larger populations and higher numbers of complaints was not solely quantity driven but quality driven. She intends to review the services provided to smaller counties to determine if the lower numbers of complaints in the smaller counties is the result of poor services or inaccessibility to services. The Department's goal is to ensure that consumers in all counties are aware of and have access to the Division's services.

Developing strategic community partnerships is also a priority under the new administration. In light of heavy budget cuts, the department is looking at other potential resources that will improve services to Tennessee consumers. The Division intends to develop community partnerships, promote consumer friendly business models and identify problem business practices across the state.

Like all other agencies, budgetary cuts have affected the Division, resulting in scaled back services and, in some instances, the elimination of services. Cuts have already

been made and the Division anticipates more. Presently, one position has been eliminated in the Division and the Department has proposed closing field offices in Chattanooga, Johnson City and Memphis despite the high number of complaints in Hamilton and Shelby County. Four field officers could potentially lose their jobs. Comm. Flowers pointed out that the Regulatory Boards, however, have not been affected by budget cuts at this time but are still under review. According to the Commissioner, the boards are totally self-sufficient and do not impact the general fund but the state may still be able to save money by streamlining certain board operations.

Education

Pam Mason

The **House Education Committee** adopted two House Joint Resolutions at its Wednesday meeting.

HJR 42 (Winningham) designates May 6, 2003, as "Teachers Day" in Tennessee. Judy Beesley, President of the Tennessee Education Association, spoke to the committee on this measure. This date has been selected to recognize and thank teachers across the country for their commitment to children.

HJR 43 (Winningham) endorses the "Read Across America" program. This program is in its 5th year of volunteers across America going into the nation's schools and reading to children. Ms. Beesley encouraged the members to participate by visiting schools March 3 in the districts they represent.

Mr. Lewis Donelson, attorney for the Tennessee School Systems for Equity, was scheduled to speak to the Committee on the salary equity lawsuit. Due to illness this presentation was deferred to March 5.

K-12 Subcommittee

The K-12 Subcommittee met on Tuesday and recommended to the full committee HB 297 (Windle). This legislation allows the school term to be reduced by up to five days in the 2002-2003 school year due to severe weather conditions. A system must have been declared a federal disaster area to be eligible under this legislation.

The **Higher Education Subcommittee** did not meet this week.

Finance, Ways & Means

Cathy Higgins

House Finance, Ways and Means Committee February 18, 2003

Attorney General Paul Summers updated the committee on the Small Schools III Lawsuit.

General Summers began by stating that the lawsuit is still pending and on remand to the Supreme Court. The plaintiffs have filed a motion to require full implementation and funding by July 1, 2003. The Court has not yet heard this motion, and has reset the hearing for February 28, 2003.

General Summers began the presentation with an overview of Small Schools I and Small School II lawsuits. Small Schools I began in 1988 and was a coalition of 66 rural school systems that sued the state claiming the State's education funding system violated the Tennessee Constitution. The Court ruled in favor of the plaintiffs. As a result of that ruling the State adopted the Education Improvement Act, which included funding for the Basic Education Program (BEP) in 1992.

In 1993 (Small School II), the plaintiffs challenged the phase-in of the BEP and new funding formula. The Court upheld the BEP, including the phase-in period. However, the Court stated that the BEP must include a teacher salary component. In 1995, the State adopted Public Chapter 520, establishing TCA 49-3-366 ("Funds for teachers' salary equity"). That section provided a flat amount salary adjustment for teachers in the 50 systems with average salaries below the state's average.

In 1998, the plaintiffs challenged the salary equity plan on the basis that the State has not complied with the Court's ruling in Small Schools II. In October 2002, the Supreme Court ruled Tennessee's system for funding teacher salaries unconstitutional. The Supreme Court ruling stated "The salary equity plan embodied in Tennessee Code Annotated § 49-3-366 does not equalize teachers' salaries according to the BEP formula and contains no mechanism for cost determination or annual cost review of teachers' salaries, unlike the BEP conditionally approved in Small Schools II."

General Summers stated that any solution the General Assembly comes up with to address the lawsuit must reduce the difference between the lower and the higher salaries throughout the State. The Court gave the General Assembly flexibility to address the salary equity issue. However, the Court did provide some guidelines:

- 1) It must have a mechanism for cost determination and annual cost review.
- 2) It does not require teachers' salaries to be the same.
- 3) It does not prohibit local governments from supplementing teachers' salaries.
- 4) It does not require teachers' salaries to be set at any particular level.

Government Operations

Denise Sims

The **Government Operations Committee** met on Tuesday and continued its overview of the responsibilities of the committee, and the procedures it must follow in reviewing entities and rules. Attorney Fred Standbrook of the General Assembly's Legal Services staff continued the overview he had begun last week, and Phil Debusk, legislative liaison with the Division of State Audit, discussed the work of the committee and the upcoming agenda. The committee currently has HB0001, the lottery legislation, on its calendar for review.

Officers of the Government Operations Committee are Rep. Mike Kernell, Chair, Rep. Henri Brooks, Vice Chair, and Rep. Barbara Cooper, Secretary. Members are Representatives Bittle, Chumney, Davis, L. DeBerry, Hargett, Lynn, McMillan, Rinks, Sargent, Todd, M. Turner and Wood.

Health & Human Resources

Judy Narramore

The **Health & Human Resources Committee** held its *organizational meeting* on Tuesday, February 11, 2003. Chairman Armstrong welcomed returning committee members and introduced new members. Introductions were made for committee staff and the Commissioners of Health, Human Services, and Mental Health & Developmental Disabilities.

Chairman Armstrong appointed HHR subcommittees, as follows:

Health Care Facilities Subcommittee

Rep. Doug Overbey - Chair

Rep. Butch Borchert

Rep. Lois DeBerry

Rep. Jimmy Eldridge
Rep. Dennis Ferguson
Rep. Michael Harrison
Rep. Sherry Jones

Mental Health Subcommittee

Rep. David Shepard - Chair

Rep. John DeBerry
Rep. Tom Dubois
Rep. Jason Mumpower
Rep. Gary Odom
Rep. Brenda Turner

Professional Occupations Subcommittee

Rep. Gary Odom - Chair

Rep. John DeBerry
Rep. Dennis Ferguson
Rep. Tre' Hargett
Rep. Joey Hensley
Rep. Bob Patton
Rep. David Shepard

Public Health and Family Assistance Subcommittee

Rep. Mary Pruitt - Chair

Rep. Chris Crider
Rep. Lois DeBerry
Rep. Dennis Ferguson
Rep. Tre' Hargett
Rep. Sherry Jones
Rep. Jason Mumpower
Rep. Janis Santony

The **Health & Human Resources Committee** met at noon on Tuesday, February 18 with two presentations scheduled on the calendar. Rep. Patton introduced Dennis Vonderfecht, President and CEO of Mountain States Health Alliance, Johnson City, Tennessee. Mountain States Health Alliance (MSHA) includes eight separate hospital facilities in Northeast Tennessee: Johnson City Medical Center, North Side Hospital, Johnson City Specialty Hospital, Quillen Rehabilitation Hospital, Indian Path Medical Center, Indian Path Pavilion, Sycamore Shoals Hospital, and Johnson County Health Center. Johnson City Medical Center, the flagship hospital for MSHA, is one of the state's six designated safety net hospitals. MSHA serves a 24-county area across four states, and is the largest healthcare system in Northeast Tennessee and Southwest Virginia.

Representatives from the Department of Health, Bureau of Health Services, Dr. Wendy Long, Assistant Commissioner and Jerry Narramore, Immunization Program Director, gave an overview of the state's bioterrorism/smallpox preparedness. The role of public

health in bioterrorism preparedness includes early detection, identification of the organism/agent, and disease prevention.

Smallpox is a viral infection with an incubation period of 12 days. Persons with smallpox become very ill with early clinical symptoms of fever, headache, backache, general discomfort, and a transient red rash that typically begins on the face, arms, and legs. Vaccination is effective in preventing infection if given in advance or within 3 days of exposure. Vaccination within 4 - 7 days of exposure will also likely offer some protection from infection or modify the severity of the disease. The smallpox vaccine is a live virus vaccine, as are the measles/mumps/rubella and chicken pox vaccines used today. As such, after the vaccine is given, it is very important to follow instructions for care of the site of vaccination. Although safe and effective for most people, the smallpox vaccine has more side effects than any other vaccine used today, including head and body aches, rash, fever, swollen lymph nodes, and swelling and tenderness around the vaccination site. Side effects are typically more severe in people being vaccinated for the first time than those being revaccinated. Contraindications to vaccination if not exposed to smallpox include weakened immune system (e.g., HIV, leukemia, post-transplant, chemotherapy), pregnancy, eczema/dermatitis, and household/close contact with any of these contraindications. If exposed to smallpox, there are no contraindications to vaccination.

The state's current primary focus of bioterrorism preparedness is on preparation for pre-event and post-event smallpox response. "Pre-event" response refers to our current situation, i.e., no case of smallpox anywhere in the world, concern that smallpox may be used by a terrorist, and desire to be as prepared as possible if smallpox is used as a weapon. Phase 1 of the pre-event smallpox vaccination program includes voluntary vaccination of public health investigation teams, public health vaccinators, and hospital smallpox health care teams, as well as intensive education and pre-screening of potential clinic volunteers. Seven vaccination clinics are located across the state in health departments in Johnson City, Knoxville, Chattanooga, Murfreesboro, Nashville, Jackson, and Memphis. As of early February data, the Department anticipates approximately 5000 people will be voluntarily vaccinated during Phase 1. In Phase 2 of the pre-event smallpox response, voluntary vaccination would be offered to all health care workers, all first responders (fire, police, EMS), and post-event clinic volunteers. "Post-event" smallpox response refers to the time period following a smallpox outbreak. There are a variety of activities that might be implemented in a post-event scenario. One such activity is large-scale voluntary

administration of smallpox vaccine. The Centers for Disease Control and Prevention (CDC) has instructed state public health agencies to develop and be ready to implement plans to immunize the entire population of the state in a 10-day period. In Tennessee, a mass smallpox vaccination plan would include the following clinic components:

Clinic Demographics -

- One clinic per 50,000 population; 117 clinics statewide
- Each clinic serve 5000 patients per day
- Each clinic operate two shifts per day for 10 days straight
- Each clinic staffed by over 100 people per shift

Clinic Flow -

- Triage
- Forms distribution
- Patient education/informed consent
- Vaccination
- Exit review

Clinic Support Functions -

- Interpreter services
- Ability to deal with medical emergencies
- Security and traffic control
- Vaccine preparation
- Supply management
- Transportation plan
- Waste disposal
- Media plan

Judiciary

Paige Edwards

The House Judiciary Committee welcomes new leadership to serve during the 103rd General Assembly. Representative Joe Fowlkes serves as chairman of the committee. Likewise, Representative John Mark Windle serves as vice chair, and Representative Kent Coleman serves as secretary. The House Judiciary Committee office is located in suite 32 of the Legislative Plaza.

Also, the House Judiciary Committee welcomes five new members. Representative Russell Johnson, Representative Paul Stanley, Representative Tom DuBois, Representative Jerome Cochran, and, as noted, Representative Kent Coleman join the committee for the 103rd General Assembly. Representative Rob Briley, Representative Henri Brooks (Shelby), Majority Leader Kim McMillan, Representative Frank Buck, and Representative Chris

Newton return to serve in the committee. The full Judiciary Committee meets at 8:30 a.m. on Wednesdays in LP 16.

For the 103rd General Assembly, The House Judiciary Committee has assembled four subcommittees to consider bills. The removal of the DUI Subcommittee marks a substantive change in the House Judiciary Committee. A new subcommittee has been formed and is named the Constitutional Protections Subcommittee. This new subcommittee will address issues that pertain to the United States or Tennessee constitutions. The list below provides subcommittee information.

Civil Practice & Procedure

(12:00 p.m. Wednesdays LP 30)

Rob Briley, Chair

Russell Johnson, Vice Chair
Paul Stanley
Tom BuBois
Henri Brooks
Kent Coleman
Kim McMillan

Criminal Practice & Procedure

(9:00 a.m. Tuesdays LP 30)

John Mark Windle, Chairman

Henri Brooks, Vice Chair
Frank Buck
Rob Briley
Chris Newton
Jerome Cochran
Russell Johnson

Constitutional Protections

(12:00 p.m. Tuesdays LP 29)

Chris Newton, Chairman

Henri Brooks, Vice Chair
Rob Briley
Jerome Cochran
Kim McMillan
Paul Stanley
Kent Coleman

Judicial Administration

(2:00 p.m. Tuesdays LP 30)

Kent Coleman, Chairman

Frank Buck, Vice Chair
John Mark Windle
Tom DuBois
Russell Johnson
Henri Brooks
Paul Stanley

State & Local Government

Lawrence Hall, Jr.

This week the Lottery Education Task Force subcommittee made a recommendation to the full Lottery Education Task Force. After considering more than a dozen proposals, Sen. Joe Ann Graves recommended that lottery funded scholarships be awarded to those students who earn at least a 3.0 GPA in high school in addition to scoring at least a 19 on the ACT. The proposal also requires that a student maintain at least a 2.75 GPA to keep the scholarship while enrolled in a state institution of higher education.

The proposal further rewards students that meet the above requirements and who are from families that make less than \$36,000 a year, and students who are higher achievers, with an additional \$1,000 grant - \$1,000 less than the original proposal of \$2,000.

Students that choose to attend a state university or technical school would receive a \$4,000 per year scholarship. Those that choose to attend a private institution of higher learning would receive a \$2,000 award.

The Tennessee Higher Education Commission estimates this proposal to cost about \$170 million. After consideration by the full Lottery Task Force, the final recommendation will be forwarded to the respective House and Senate committees.

Transportation

Greg E. Adkins

The **Full Transportation Committee** met on February 12 and 19, 2003. Gerald Nicely, the new Commissioner of the Tennessee Department of Transportation (TDOT) introduced himself to the Committee for the first time. The Commissioner stated that over \$65 million would be cut from the overall TDOT budget. Diane Gusky, from TDOT's Office of Strategic Planning, presented the committee with the 2002 TDOT Performance Report. The report was an overview of the department's past accomplishments and goals for the future. The new Safety Commissioner, Fred Phillips, also introduced himself and his staff to the Committee.

Chairman Pinion appointed the following members to subcommittees:

Public Safety & Rural Roads Subcommittee

Rep. Fraley--Chairman
Rep. Pleasant--Vice Chair
Rep. Buck
Rep. Cobb
Rep. Cochran
Rep. Davis
Rep. Fowlkes
Rep. Godsey
Rep. McDonald
Rep. Pinion
Rep. Tidwell
Rep. Vincent
Rep. Winningham

Public Transportation & Highways Subcommittee

Rep. Buck--Chairman
Rep. Buttry--Vice Chair
Rep. Dunn
Rep. Fraley
Rep. Harmon
Rep. Head
Rep. Johnson (Cheatham)
Rep. Pinion
Rep. Rowland
Rep. Sharp
Rep. Sontany
Rep. Stanley
Rep. Vaughn

The **Public Safety and Rural Roads Subcommittee** met on February 18, 2003 and passed one bill (HB 0414, McKee). The bill would delete the requirement that certificates of registration be signed.

The Public Transportation and Highways

Subcommittee met on February 19, 2003 and passed one amended bill. The amended bill requires "van accessible only" parking spaces to be so designated prior to ticketing an individual who has handicap access.